

Attorney Docket No. 6567.200-US
Sorensen et al.
Serial No. 10/735,963
Filed December 15, 2003
Via Facsimile No.: 571-273-8300

RESPONSE

The examiner states in the Office Action Summary that claims numbered 1-63 (actually 1-67) are pending in the application and 1-45 and 50-52 are rejected, 46-49 are objected, and 53-63 (presumably 67) are withdrawn. Claims 13-17 have been cancelled in view of the definition of Y from claim 17 being incorporated into claim 1. Claims 5 and 9 have been cancelled in view of the amendments to R¹ and r in Claim 1. No new matter would be added by these amendments.

Applicants thank the Examiner for indicating that Claims 46-49 would be allowable if written in independent form.

The rejection of claims numbered 1-3, 7-19, 23, and 50 (now 1-3, 7-8, 10-12, 18-19, 23, and 50) under 35 U.S.C. §102(b) as being unpatentable over Jensen et al (CA 109:6526 or US 4,837,241) has been obviated by appropriate amendment.

R¹ now has been limited to cycloalkyl or cycloalkenyl, which means that there is a cycloalkyl or cycloalkenyl group substituted off the nitrogen of the presently claimed piperidinyl ring. Jensen et al doesn't allow for such a substituent as only H and C₁₋₆ alkyl are listed as possible substituents off the piperidinyl nitrogen. Withdrawal of this rejection is respectfully requested.

The rejection of claims numbered 1-5, 7-23, and 50 (now 1-4, 7-8, 10-12, 18-23, and 50) under 35 U.S.C. §103(a) as being unpatentable over Jensen et al (US 4,837,241) has been obviated by appropriate amendment.

As noted above, Jensen only allows for a H or C₁₋₆ alkyl group off the piperidinyl nitrogen. The presently amended claims recite a cycloalkyl or cycloalkenyl group off the piperidinyl nitrogen. Applicants submit that cycloalkyl and cycloalkenyl are not obvious variants of H and alkyl. Withdrawal of this rejection is respectfully requested.

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The rejection of claims numbered 1, 7-22, 24-26, and 50 (now 1, 7-8, 10-12, 18-22, 24-26, and 50) under 35 U.S.C. §103(a) as being unpatentable over Bosmans (US 5,854,261) has been obviated by appropriate amendment.

The presently amended claims recite a cycloalkyl or cycloalkenyl group off of the piperidinyl nitrogen. Bosmans doesn't show such a group and only recites a substituted alkyl group. Applicants submit that the substituted alkyl groups of Bosmans are not obvious variants of cycloalkyl and cycloalkenyl. Withdrawal of this rejection is respectfully requested.

The rejection of claims numbered 1, 7-22, 24-28, 30-38, and 42 (now 1, 7-8, 10-12, 18-22, 24-28, 30-38, and 42) under 35 U.S.C. §103(a) as being unpatentable over Ohki et al (CA 129:54604) in view of Greene has been obviated by appropriate amendment.

The presently amended claims recite a cycloalkyl or cycloalkenyl group off of the piperidinyl nitrogen. Ohki et al doesn't show such a group and only recites an alkyl group. Applicants submit that the alkyl group of Ohki et al is not an obvious variant of cycloalkyl and cycloalkenyl. Withdrawal of this rejection is respectfully requested.

The rejections of claims numbered 1-22, 24-41, 43-45, and 50 (now 1-4, 6-8, 10-12, 18-22, 24-41, 43-45, and 50) under 35 U.S.C. §103(a) as being unpatentable over Gall et al (US 4,481,360) in view of King and claims numbered 1-22, 24-41, 43-45, 50, and 52 (now 1-4, 6-8, 10-12, 18-22, 24-41, 43-45, 50, and 52) under 35 U.S.C. §103(a) as being unpatentable over Gall et al (US 4,481,360) in view of Cuny et al (US 6,645,980) have been obviated by appropriate amendment.

The presently amended claims recite a cycloalkyl or cycloalkenyl group off of the piperidinyl nitrogen. Gall et al doesn't show such a group and only recite a benzyl or phenethyl group of the piperidinyl nitrogen. Applicants submit that the benzyl and phenethyl groups of

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Gall et al are not obvious variants of cycloalkyl and cycloalkenyl. Neither King nor Cuny show that the benzyl or phenethyl groups of Gall are equivalent or obvious variants of cycloalkyl or cycloalkenyl. Withdrawal of these rejections is respectfully requested.

The examiner states rejoinder claims must be free from 112 issues. The examiner further notes none of the assay methods disclosed by the specification include any data or nexus to the claimed methods with any compounds. Applicants respectfully request the examiner further define the 112 issues relevant for withdrawn claims 53-63 (presumably 67) which prevent rejoinder of the claims.

Applicants believe the claims are in condition for allowance. The examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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